STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of ES,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JULIE SCANLON,

Respondent-Appellant.

UNPUBLISHED
January 12, 2001

No. 221950
Macomb Circuit Court
Family Division
LC No. 97-045125-NA

Before: Doctoroff, P.J., and Cavanagh and Meter, JJ.

PER CURIAM.

Respondent Julie Scanlon appeals by right from the trial court's order terminating her parental rights to a minor child under MCL 712A.19b(3)(c)(i); MSA 27.3178(598.19b)(3)(c)(i) ("[t]he parent was a respondent in a proceeding brought under this chapter, 182 or more days have elapsed since the issuance of an initial dispositional order, and the court, by clear and convincing evidence, finds . . . [that] the conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age"), MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g) ("[t]he parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age"), and MCL 712A.19b(3)(j); MSA 27.3178(598.19b)(3)(j) ("[t]here is a reasonable likelihood, based on the conduct or capacity of the child's parent, that the child will be harmed if he or she is returned to the home of the parent").

This Court reviews for clear error a trial court's finding that a statutory basis for termination has been met. MCR 5.974(I); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Once a statutory basis has been proven by clear and convincing evidence, the court must terminate parental rights unless the court finds that termination is clearly not in the

best interests of the child. *Trejo*, supra at 344, 355. A court's finding on the best interests prong is also reviewed by this Court for clear error. *Id*. at 356-357, 365.

Respondent argues that the trial court clearly erred in finding (1) that petitioner made reasonable efforts to reunite the family; (2) that termination was warranted under MCL 712A.19b(3)(c)(i); MSA 27.3178(598.19b)(3)(c)(i) and MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g);[1] and (3) that termination was in the best interests of the child. We disagree.

With respect to the efforts of petitioner to reunite the family, respondent has not indicated *how* petitioner's efforts were deficient, aside from cursorily pointing out that petitioner failed to offer grief counseling after the death of respondent's second child. Respondent merely makes the bald assertion of insufficient efforts in her statement of questions presented on appeal. "An appellant may not merely announce his position and leave it up to this Court to discover and rationalize the basis for his claims . . . ." *People v Kelly*, 231 Mich App 627, 640-641; 588 NW2d 480 (1998). Moreover, the record reveals that significant reunification efforts *were* in fact made: petitioner provided visitation, counseling, drug screens, and parent-agency agreements (PAA's). Respondent's argument with regard to insufficient reunification efforts is unavailing.

Nor did the trial court clearly err in finding that termination was warranted under MCL 712A.19b(3)(c)(i); MSA 27.3178(598.19b)(3)(c)(i) and MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g) and was in the best interests of the child.

Indeed, after respondent signed the initial PAA in February 1998, she was arrested and sent to jail for heroin possession, in July 1998. She attended no treatment programs between April and July 1998, and she missed all visitation with the child in July 1998. While she did begin regularly attending counseling and providing drug screens after her release from jail in August 1998, two of her drug screens after that date showed possible dilution. Moreover, respondent was arrested for entering a known drug house in December 1998, and she failed to provide a drug screen after this arrest. Respondent's explanation for her arrest (that she entered the vacant house because she needed a place to stay) was suspect in light of her failure to provide a subsequent drug screen.

A foster care worker, Ellen Watts, testified that respondent had not maintained consistent employment and was unemployed at the time of the termination hearing. Watts further testified that respondent had not demonstrated sufficient independence to be able to care for the child. In addition, Watts believed that respondent would likely reunite with her husband after his release

[1] We note that respondent does not address the trial court's finding that termination was warranted under MCL 712A.19b(3)(j); MSA 27.3178(598.19b)(3)(j). As stated in *Trejo, supra* at 360, only one statutory basis need be established to warrant termination. Accordingly, respondent's failure to challenge the finding with regard to MCL 712A.19b(3)(j); MSA 27.3178(598.19b)(3)(j) could itself justify our affirmance of this case.

from jail and that this reunion would be dangerous, because the husband had not been attending drug treatment. Watts' belief that respondent would reunite with her husband was reinforced by a witness who testified about respondent's devotion to her husband.

Respondent contends that she was making significant strides toward improving herself and that there would be no harm in waiting longer for reunification. However, in light of the facts that respondent (1) relapsed in July 1998, (2) likely relapsed in December 1998, (3) was likely to reunite with husband, who had not received drug treatment, and (4) had not maintained consistent employment or independence, we conclude that the trial court did not clearly err in finding that termination was warranted under MCL 712A.19b(3)(c)(i); MSA 27.3178(598.19b)(3)(c)(i) and MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g) and was in the best interests of the child.

Affirmed.

/s/ Martin M. Doctoroff
/s/ Mark J. Cavanagh
/s/ Patrick M. Meter